

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHAEL A. WOOD,

Petitioner,

: Case No. 3:19-cv-304

- vs -

District Judge Walter H. Rice
Magistrate Judge Michael R. Merz

TIM BUCHANAN, Warden,
Noble Correctional Institution,

:

Respondent.

**SUPPLEMENTAL REPORT AND RECOMMENDATIONS ON
MOTION FOR DELAYED APPEAL**

This habeas corpus case is before the Court on Petitioner's Objections (ECF No. 44) to the Magistrate Judge's Substituted Report and Recommendations ("Substituted R&R") (ECF No. 43) on Petitioner's Motion for Delayed Appeal (ECF No. 39). Judge Rice has recommitted the matter for further consideration (ECF No. 45).

The Substituted R&R recommended denying Petitioner's Motion for Delayed Appeal because the Court lacked authority to authorize a delayed appeal in this case. The original Report on the Motion reached the same conclusion (ECF No. 40).

Upon reconsideration of the Substituted R&R in light of the Objections, the Magistrate Judge believes no further analysis is needed. Wood says that he is seeking *de novo* collateral review of the merits of his case from the Sixth Circuit (ECF No. 44, PageID 1658). Whatever relief or review he may be able to obtain from the Sixth Circuit, this Court lacks authority to excuse

his late filing for the reasons already given.

The Motion for Delayed Appeal should be denied.

July 6, 2021.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal.